

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Daniel Lovy et al.	Examiner: Jeffery Rutkowski
Serial No.:	10/751,340	Group Art Unit: 2619
Filed:	January 3, 2004	Docket: 1370.249US1
Title:	METHOD AND APPARATUS FOR DEVICE COMMUNICATIONS	

DECLARATION OF JONATHAN FERGUSON
IN SUPPORT OF RULE 1.47(a) PETITION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Jonathan Ferguson, hereby declare that:

1. I am a Paralegal employed by Schwegman, Lundberg & Woessner, P.A.
2. I am personally involved in the attempts to contact Daniel Lovy, a co-inventor of the above-identified patent application, No. 10/751,340 (hereinafter, "the application").
3. On November 7, 2007, I sent Daniel Lovy an e-mail with attachments that included copy of the application papers (specification, including claims, drawings, and substitute declaration) to Daniel Lovy for his signature. My e-mail was a reply to an e-mail from Mr. Lovy sent on the same day. Copies of these e-mails are shown as Exhibit A. No reply was received from Daniel Lovy.
4. On each of November 29, 2007, December 4, 2007, and December 11, 2007, I sent Daniel Lovy an e-mail with attachments that included a copy of the aforesaid application papers. Copies of these e-mails are shown as Exhibits B-D. No reply was received from Mr. Lovy from each of these e-mails.
5. On December 18, 2007, I sent a first Certified Letter package to Daniel Lovy at his previously known address in Palo Alto, California. The Certified Letter package included the aforesaid application papers. A copy of this letter is shown as Exhibit E.
6. On December 21, 2007, I sent Daniel Lovy a follow-up e-mail with attachments that included the aforesaid application papers. A copy of this e-mail is shown in Exhibit F. No reply was received from Daniel Lovy.
7. On December 31, 2007, the Certified Letter package mailed on December 18, 2007 was returned to my office by the U.S. Postal Service. A copy of the returned envelope is shown as Exhibit G.

8. On January 2, 2008, I sent a second Certified Letter package to Daniel Lovy at his previously address in Palo Alto, California. The Certified Letter package included a copy of the aforesaid application papers. A copy of this letter is shown as Exhibit H.
9. On January 14, 2008, the Certified Letter package sent on January 2, 2008 was returned to my office by the U.S. Postal Service. A copy of this returned envelope is shown as Exhibit I.
10. On January 23, 2008, I sent Daniel Lovy a follow-up e-mail with attachments that included a copy of the aforesaid application papers. On the same day, Daniel Lovy sent a reply e-mail which included his new street address in Concord, Massachusetts. On the same day I sent a confirmation e-mail to Mr. Lovy. Copies of these e-mails are shown as Exhibits J-L.
11. On January 24, 2008, I sent a third Certified Letter package to Daniel Lovy at his street address in Concord, Massachusetts. The Certified Letter package included a copy of the aforesaid application papers and a self-address stamped envelope. A copy of this letter is shown as Exhibit M.
12. On March 7, 2008, I sent Daniel Lovy a follow-up e-mail with attachments that included a copy of the aforesaid application papers. A copy of this e-mail is shown as Exhibit N. No reply was received from Daniel Lovy.
13. On March 12, 2008, I sent Daniel Lovy a follow-up e-mail with attachments that included a copy of the aforesaid application papers. A copy of this e-mail is shown as Exhibit O.
14. On March 12, 2008, I received an auto-reply e-mail from "MAILER-DAEMON@smtp06-02.prod.mesa1.secureserver.net", which is from the server associated with Daniel Lovy's e-mail address. The auto-reply email indicated that my e-mail could not be delivered. A copy of this e-mail is shown as Exhibit P.
15. On March 12, 2008, the Certified Letter package sent on January 24, 2008 was returned to my office by the U.S. Postal Service. A copy of this returned envelope is shown as Exhibit Q.
16. From March 12, 2008, no communication was received from Daniel Lovy.

I further declare that all statements made herein are of my own knowledge and are true, and that all statements made upon information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both, under 18 U.S.C. Sect. 1001, and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

Respectfully submitted,

Date: JULY 9, 2008

By: 
Jonathan Ferguson

Address: 1600 TCF Tower
121 South Eighth Street
Minneapolis, Minnesota 55402
Phone: (612) 373-6900

TABLE OF EXHIBITS

Exhibit	Date	Description	Documentation
A	November 7, 2007	E-mail sent from Karen Hallock (khallock@cisco.com) to Daniel Lovy (dan@iptvholding.com); reply e-mail sent from Daniel Lovy to Karen Hallock; e-mail sent from Jonathan Ferguson (jferguson@stlwp.com) to Daniel Lovy	Copy of e-mail, 3 pgs.
B	November 29, 2007	Follow-up e-mail sent from Jonathan Ferguson to Daniel Lovy	Copy of e-mail, 4 pgs.
C	December 4, 2007	Follow-up e-mail sent from Jonathan Ferguson to Daniel Lovy	Copy of e-mail, 5 pgs.
D	December 11, 2007	Follow-up e-mail sent from Jonathan Ferguson to Daniel Lovy	Copy of e-mail, 6 pgs.
E	December 18, 2007	First Certified Letter sent from Jonathan Ferguson to Daniel Lovy at his last-known street address (Palo Alto, CA)	Copy of letter, 3 pgs.
F	December 21, 2007	Follow-up e-mail sent from Jonathan Ferguson to Daniel Lovy	Copy of e-mail, 5 pgs.
G	December 31, 2007	First Certified Letter returned	Copy of envelope with "return to sender" indications, 1 pg.
H	January 2, 2008	Second Certified Letter sent from Jonathan Ferguson to Daniel Lovy at his last-known street address (Palo Alto, CA)	Copy of letter, 2 pgs.
I	January 14, 2007	Second Certified Letter returned	Copy of envelope with "return to sender" indications, 1 pg.
J	January 23, 2008	Follow-up e-mail sent from Jonathan Ferguson to Daniel Lovy	Copy of e-mail, 6 pgs.
K	January 23, 2008	E-mail sent from Daniel Lovy to Jonathan Ferguson. E-mail contains Lovy's new, preferred street address (Concord, MA)	Copy of e-mail, 9 pgs.
L	January 23, 2008	Reply e-mail sent from Jonathan Ferguson to Daniel Lovy	Copy of e-mail, 1 pg.
M	January 24, 2008	Third Certified Letter sent from Jonathan Ferguson to Daniel Lovy at Mr. Lovy's new, preferred address (Concord, MA)	Copy of letter, 2 pgs.
N	March 7, 2008	Follow-up e-mail sent from Jonathan Ferguson to Daniel Lovy	Copy of e-mail, 2 pgs.
O	March 12, 2008	Follow-up e-mail sent from Jonathan Ferguson to Daniel Lovy	Copy of e-mail, 6 pgs.
P	March 12, 2008	"Failure Notice" auto-reply e-mail delivery error sent to Jonathan Ferguson	Copy of e-mail, 5 pgs.
Q	March 12, 2008	Third Certified Letter returned	Copy of envelope with "return to sender" indications, 1 pg.